



9111-97

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2584-16; DHS Docket No. USCIS-2007-0028]

RIN 1615-ZB53

Extension of the Designation of El Salvador for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Through this Notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of El Salvador for Temporary Protected Status (TPS) for 18 months from September 10, 2016 through March 9, 2018.

The extension allows currently eligible TPS beneficiaries to retain TPS through March 9, 2018, so long as they otherwise continue to meet the eligibility requirements for TPS. The Secretary has determined that an extension is warranted because the conditions in El Salvador supporting the TPS designation continue to be met. There continues to be a substantial, but temporary, disruption of living conditions in El Salvador resulting from a series of earthquakes in 2001, and El Salvador remains unable, temporarily, to handle adequately the return of its nationals.

Through this Notice, DHS also sets forth procedures necessary for nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) to re-register for TPS and to apply for renewal of their Employment Authorization Documents (EAD) with U.S. Citizenship and Immigration Services (USCIS). Re-registration is limited to persons who

have previously registered for TPS under the designation of El Salvador and whose applications have been granted. Certain nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) who have not previously applied for TPS may be eligible to apply under the late initial registration provisions, if they meet: (1) At least one of the late initial filing criteria; and, (2) all TPS eligibility criteria (including continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001).

For individuals who have already been granted TPS under the El Salvador designation, the 60-day re-registration period runs from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] through [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER]. USCIS will issue new EADs with a March 9, 2018 expiration date to eligible El Salvador TPS beneficiaries who timely re-register and apply for EADs under this extension. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on September 9, 2016. Accordingly, through this Notice, DHS automatically extends the validity of EADs issued under the TPS designation of El Salvador for 6 months, through March 9, 2017, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on Employment Eligibility Verification (Form I-9) and the E-Verify processes.

DATES: The 18-month extension of the TPS designation of El Salvador is effective September 10, 2016, and will remain in effect through March 9, 2018. The 60-day re-registration period runs from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] through [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION IN THE

FEDERAL REGISTER]. (**Note:** It is important for re-registrants to timely re-register during this 60-day re-registration period and not to wait until their EADs expire.)

FURTHER INFORMATION:

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS TPS Web page at <http://www.uscis.gov/tps>. You can find specific information about this extension of El Salvador for TPS by selecting “El Salvador” from the menu on the left of the TPS Web page.
- You can also contact Jerry Rigdon, Chief of the Waivers and Temporary Services Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Washington, DC 20529-2060; or by phone at 202-272-1533 (this is not a toll-free number). **Note:** The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquires.
- Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833). Service is available in English and Spanish.
- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA – Board of Immigration Appeals

DHS – Department of Homeland Security

DOS – Department of State

EAD – Employment Authorization Document

FNC – Final Nonconfirmation

GDP – Gross Domestic Product

Government – U.S. Government

IJ – Immigration Judge

INA – Immigration and Nationality Act

OSC – U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices

SAVE – USCIS Systematic Alien Verification for Entitlements Program

Secretary – Secretary of Homeland Security

TNC – Tentative Nonconfirmation

TPS – Temporary Protected Status

TTY – Text Telephone

USCIS – U.S. Citizenship and Immigration Services

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the Immigration and Nationality Act (INA), or to persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to work and obtain EADs, so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also be granted travel authorization as a matter of discretion.

- The granting of TPS does not result in or lead to permanent resident status.
- When the Secretary terminates a country's TPS designation through a separate Federal Register Notice, beneficiaries return to the same immigration status they maintained before TPS, if any (unless that status has since expired or been terminated), or to any other lawfully obtained immigration status they received while registered for TPS.

When was El Salvador designated for TPS?

On March 9, 2001, the Attorney General designated El Salvador for TPS based on an environmental disaster within that country, specifically the devastation resulting from a series of earthquakes that occurred in 2001. See Designation of El Salvador Under Temporary Protected Status, 66 FR 14214 (Mar. 9, 2001). The Secretary last announced an extension of TPS for El Salvador on January 7, 2015, based on his determination that the conditions warranting the designation continued to be met. See Extension of the Designation of El Salvador for Temporary Protected Status, 80 FR 893 (January 7, 2015). This announcement is the eleventh extension of TPS for El Salvador since the original designation in 2001.

What authority does the Secretary of Homeland Security have to extend the designation of El Salvador for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate U.S. Government agencies, to designate a foreign state (or part thereof) for TPS if the Secretary finds that certain country conditions exist.¹ The Secretary may then grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state). See INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

¹ As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to DHS "shall be deemed to refer to the Secretary" of Homeland Security. See 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS and determine whether the conditions for the TPS designation continue to be met. See INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that a foreign state continues to meet the conditions for TPS designation, the designation may be extended for an additional period of 6, 12, or 18 months. See INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. See INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Why is the Secretary extending the TPS designation for El Salvador through March 9, 2018?

DHS and the Department of State (DOS) have reviewed conditions in El Salvador. Based on these reviews and after consulting with DOS, the Secretary has determined that an 18-month extension is warranted because the conditions supporting El Salvador's 2001 designation for TPS persist.

El Salvador was originally designated for TPS following two separate earthquakes in 2001. The first earthquake, on January 13, registered 7.6 in magnitude on the standard seismic scale; the second, on February 13, measured 6.6 in magnitude. Over 3,000 aftershocks hit El Salvador in the aftermath of the earthquakes, including those with 5.1 and 5.6 magnitudes in late February 2001.

Together, the earthquakes killed over 1,000 people, caused approximately 8,000 injuries, and affected approximately 1.5 million people. Of 262 municipalities in El Salvador, 165 suffered serious damage in the first quake. The earthquakes caused significant damage to

transportation infrastructure, housing, education and health services, small and medium businesses, and the environment.

Recovery from the earthquakes has been slow and encumbered by subsequent natural disasters and environmental challenges, including hurricanes and tropical storms, heavy rains and flooding, volcanic and seismic activity, an ongoing coffee rust epidemic, and a prolonged regional drought that is impacting food security. The regional drought currently affecting El Salvador has made the country the driest it has been in 35 years. The drought is projected to cause more than \$400 million in losses from corn, beans, coffee, sugar cane, livestock, and vegetables, resulting in subsistence farmers facing malnutrition and pressure to migrate. Due to the drought and a regional coffee rust epidemic, coffee production for the 2015-2016 harvest is projected to be 30-percent lower than the previous season, and the U.S. Department of Agriculture expects next year's harvests to be the smallest in 80 years. Further, environmental and social conditions have contributed to an outbreak of mosquito borne illnesses, including chikungunya and dengue.

Although progress has been made in repairing physical damage caused by the 2001 earthquakes, infrastructure challenges remain. El Salvador faces a housing deficit of approximately 630,000 houses, created in part because 340,000 homes destroyed in the 2001 earthquakes still have not been rebuilt. A lack of potable water and electricity remain serious problems; more than 10 percent of El Salvador's total population lacks access to potable water. Water contamination and shortages are of particular concern in the San Salvador metropolitan area, where they have affected the day-to-day activities of the population and have reportedly led to conflicts over water. In March 2016, extortion demands from gangs caused an almost weeklong temporary bottled water shortage and halting of some water deliveries in San Salvador.

Insecurity and water shortages have contributed to increased inflation, which is generally low due to El Salvador's dollarized economy.

Increasing violence and insecurity is also a major constraint to economic growth. According to a study released in April 2016 by El Salvador's Central Bank and the United Nations Development Program, Salvadoran citizens paid \$756 million in extortion payments to gangs in 2014, representing about three percent of Gross Domestic Product (GDP). The study estimates the total cost of violence, including the amount households spend on extra security and the lost income from people deterred from working, is nearly 16 percent of GDP, the highest level in Central America. Hampered by limited financial resources, the government continues to struggle to respond adequately to increasing levels of crime, and there is little confidence the security situation will improve in the short term.

The fiscal, unemployment, and security situations in El Salvador also remain poor. El Salvador's economy is experiencing significant challenges. Around a third of the country's work force is underemployed or unable to find full-time work. In 2014, almost a third of all Salvadorans (31.9 percent) lived in poverty. Murder, extortion, and robbery rates are high, and the government struggles to respond adequately to crime, including significant criminal gang activity. The police suffer from insufficient staffing, corruption, and inadequate training. The judicial system is also weak, with a low criminal conviction rate and high levels of corruption, creating an environment of impunity.

Based upon this review and after consultation with appropriate U.S. Government agencies, the Secretary finds that:

- The conditions supporting the March 9, 2001 designation of El Salvador for TPS continue to be met. See INA sections 244(b)(1)(B), (b)(3)(A) and (C), 8 U.S.C. 1254a(b)(1)(B), (b)(3)(A)

and (C).

- There continues to be a substantial, but temporary, disruption of living conditions in El Salvador as a result of an environmental disaster. See INA section 244(b)(1)(B)(i), 8 U.S.C. 1254a(b)(1)(B)(i).
- El Salvador continues to be unable, temporarily, to handle adequately the return of its nationals (or aliens having no nationality who last habitually resided in El Salvador). See INA section 244(b)(1)(B)(ii), 8 U.S.C. 1254a(b)(1)(B)(ii).
- The designation of El Salvador for TPS should be extended for an additional 18-month period from September 10, 2016 through March 9, 2018. See INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).
- There are approximately 195,000 current El Salvador TPS beneficiaries who are expected to file for re-registration and may be eligible to retain their TPS under the extension.

Notice of Extension of the TPS Designation of El Salvador

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate U.S. Government agencies, that the conditions that prompted the designation of El Salvador for TPS in 2001 continue to be met. See INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). On the basis of this determination, I am extending the designation of El Salvador for TPS for 18 months from September 10, 2016, through March 9, 2018. See INA sections 244(b)(2) and (b)(3), 8 U.S.C. 1254a(b)(2) and (b)(3).

Jeh Charles Johnson,
Secretary.

Required Application Forms and Application Fees to Register or Re-register for TPS

To register or re-register for TPS based on the designation of El Salvador, an applicant must submit each of the following two applications:

1. Application for Temporary Protected Status (Form I-821).

- If you are filing an application for late initial registration, you must pay the fee for the Application for Temporary Protected Status (Form I-821). See 8 CFR 244.2(f)(2) and 244.6 and information on late initial filing on the USCIS TPS Web page at <http://www.uscis.gov/tps>.
- If you are filing an application for re-registration, you do not need to pay the fee for the Application for Temporary Protected Status (Form I-821). See 8 CFR 244.17.
and

2. Application for Employment Authorization (Form I-765).

- If you are applying for late initial registration and want an EAD, you must pay the fee for the Application for Employment Authorization (Form I-765) only if you are age 14 through 65. No fee for the Application for Employment Authorization (Form I-765) is required if you are under the age of 14 or are 66 and older and applying for late initial registration.
- If you are applying for re-registration, you must pay the fee for the Application for Employment Authorization (Form I-765) only if you want an EAD, regardless of age.
- You do not pay the fee for the Application for Employment Authorization (Form I-765) if you are not requesting an EAD, regardless of whether you are applying for late initial registration or re-registration.

You must submit both completed application forms together. If you are unable to pay for

the Application for Employment Authorization (Form I-765) and/or biometrics fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I-912) or submitting a personal letter requesting a fee waiver, and by providing satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS Web page at <http://www.uscis.gov/tps>. Fees for the Application for Temporary Protected Status (Form I-821), the Application for Employment Authorization (Form I-765), and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years of age or older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I-912) or by submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS website at <http://www.uscis.gov>. If necessary, you may be required to visit an Application Support Center to have your biometrics captured.

Re-filing a Re-registration TPS Application After Receiving a Denial of a Fee Waiver Request

USCIS urges all re-registering applicants to file as soon as possible within the 60-day re-registration period so that USCIS can process the applications and issue EADs promptly. Filing early will also allow those applicants who may receive denials of their fee waiver requests to have time to re-file their applications before the re-registration deadline. If, however, an applicant receives a denial of his or her fee waiver request and is unable to re-file by the re-registration deadline, the applicant may still re-file his or her application. This situation will be

reviewed to determine whether the applicant has established good cause for late re-registration. However, applicants are urged to re-file within 45 days of the date on their USCIS fee waiver denial notice, if at all possible. See INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(c). For more information on good cause for late re-registration, visit the USCIS TPS Web page at <http://www.uscis.gov/tps>. **Note:** As previously stated, although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the initial TPS application fee) when filing a TPS re-registration application, the applicant may decide to wait to request an EAD, and therefore not pay the Application for Employment Authorization (Form I-765) fee, until after USCIS has approved the individual's TPS re-registration, if he or she is eligible. If you choose to do this, you would file the Application for Temporary Protected Status (Form I-821) with the fee and the Application for Employment Authorization (Form I-765) without the fee and without requesting an EAD.

Mailing Information

Mail your application for TPS to the proper address in Table 1.

Table 1-Mailing Addresses

If...	Mail to...
<p>Are applying for re-registration and you live in the following states/territories:</p> <p>Alabama, Alaska, American Samoa, Arkansas, Colorado, Guam, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Northern Mariana Islands, Oklahoma, Puerto Rico, South Dakota, Tennessee, Texas, Utah, Virgin Islands, Wisconsin, Wyoming</p>	<p>U.S. Postal Service: U.S. Citizenship and Immigration Services Attn: TPS El Salvador P.O. Box 660864 Dallas, TX 75266</p> <p>Non-U.S. Postal Delivery Service: U.S. Citizenship and Immigration Services Attn: TPS El Salvador 2501 S. State Highway, 121 Business Suite 400 Lewisville, TX 75067</p>
<p>Are applying for re-registration and you live in the following states/territories:</p>	<p>U.S. Postal Service: U.S. Citizenship and Immigration Services Attn: TPS El Salvador</p>

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington D.C., West Virginia	<p>P.O. Box 8635 Chicago, IL 60680-8635</p> <p>Non-U.S. Postal Delivery Service: U.S. Citizenship and Immigration Services Attn: TPS El Salvador 131 S. Dearborn – 3rd Floor Chicago, IL 60603-5517</p>
<p>Are applying for re-registration and you live in the following states:</p> <p>Arizona, California, Nevada, Oregon, Washington</p>	<p>U.S. Postal Service: U.S. Citizenship and Immigration Services Attn: TPS El Salvador P.O. Box 21800 Phoenix, AZ 85036</p> <p>Non-U.S. Postal Delivery Service: U.S. Citizenship and Immigration Services Attn: TPS El Salvador 1820 E. Skyharbor Circle S, Suite 100 Phoenix, AZ 85034</p>
Are applying for the first time as a late initial registration (this is for all states/territories)	<p>U.S. Postal Service: U.S. Citizenship and Immigration Services Attn: TPS El Salvador P.O. Box 8635 Chicago, IL 60680-8635</p> <p>Non-U.S. Postal Delivery Service: U.S. Citizenship and Immigration Services Attn: TPS El Salvador 131 S. Dearborn - 3rd Floor Chicago, IL 60603-5517</p>

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate address in Table 1. When submitting a re-registration application and/or requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will aid in the verification of your grant of TPS and processing of your application, as USCIS may not have received records of your grant of TPS by either the IJ or the BIA.

E-Filing

You cannot electronically file your application when re-registering or submitting an initial registration for El Salvador TPS. Please mail your application to the mailing address listed in Table 1.

Supporting Documents

The filing instructions on the Application for Temporary Protected Status (Form I-821) list all the documents needed to establish basic eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying or registering for TPS on the USCIS website at www.uscis.gov/tps under “El Salvador.”

Do I need to submit additional supporting documentation?

If one or more of the questions listed in Part 4, Question 2 of the Application for Temporary Protected Status (Form I-821) applies to you, then you must submit an explanation on a separate sheet(s) of paper and/or additional documentation.

Employment Authorization Document (EAD)

How can I obtain information on the status of my EAD request?

To get case status information about your TPS application, including the status of a request for an EAD, you can check Case Status Online at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833). If your Application for Employment Authorization (Form I-765) has been pending for more than 90 days and you still need assistance, you may request an EAD inquiry appointment with USCIS by using the InfoPass system at <https://infopass.uscis.gov>. However, we strongly encourage you first to check Case Status Online or call the USCIS National Customer Service Center for assistance before making an InfoPass appointment.

Am I eligible to receive an automatic 6-month extension of my current EAD through March 9, 2017?

Provided that you currently have TPS under the designation of El Salvador, this Notice automatically extends your EAD by 6 months if you:

- Are a national of El Salvador (or an alien having no nationality who last habitually resided in El Salvador);
- Received an EAD under the last extension of TPS for El Salvador; and
- Have an EAD with a marked expiration date of September 9, 2016, bearing the notation “A-12” or “C-19” on the face of the card under “Category.”

Although this Notice automatically extends your EAD through March 9, 2017, you must re-register timely for TPS in accordance with the procedures described in this Notice if you would like to maintain your TPS.

When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification (Form I-9)?

You can find a list of acceptable document choices on the “Lists of Acceptable Documents” for Employment Eligibility Verification (Form I-9). You can find additional detailed information on the USCIS I-9 Central Web page at <http://www.uscis.gov/I-9Central>. Employers are required to verify the identity and employment authorization of all new employees by using Employment Eligibility Verification (Form I-9). Within 3 days of hire, an employee must present proof of identity and employment authorization to his or her employer.

You may present any document from List A (reflecting both your identity and employment authorization) or one document from List B (reflecting identity) together with one

document from List C (reflecting employment authorization). Or you may present an acceptable receipt for List A, List B, or List C documents as described in the Employment Eligibility Verification (Form I-9) Instructions. An EAD is an acceptable document under “List A.” Employers may not reject a document based on a future expiration date.

If your EAD has an expiration date of September 9, 2016, and states “A-12” or “C-19” under “Category,” it has been extended automatically for 6 months by virtue of this Federal Register Notice, and you may choose to present your EAD to your employer as proof of identity and employment authorization for Employment Eligibility Verification (Form I-9) through March 9, 2017 (see the subsection titled “How do my employer and I complete the Employment Eligibility Verification (Form I-9) using an automatically extended EAD for a new job?” for further information). To minimize confusion over this extension at the time of hire, you should explain to your employer that USCIS has automatically extended your EAD through March 9, 2017. You may also show your employer a copy of this Federal Register Notice confirming the automatic extension of employment authorization through March 9, 2017. As an alternative to presenting your automatically extended EAD, you may choose to present any other acceptable document from List A, a combination of one selection from List B and one selection from List C, or a valid receipt.

What documentation may I show my employer if I am already employed but my current TPS-related EAD is set to expire?

Even though EADs with an expiration date of September 9, 2016, that state “A-12” or “C-19” under “Category” have been automatically extended for 6 months by this Federal Register Notice, your employer will need to ask you about your continued employment authorization once September 9, 2016, is reached to meet its responsibilities for Employment

Eligibility Verification (Form I-9). Your employer may need to reinspect your automatically extended EAD to check the expiration date and code to record the updated expiration date on your Form I-9 if he or she did not keep a copy of this EAD when you initially presented it. However, your employer does not need a new document to reverify your employment authorization until March 9, 2017, the expiration date of the automatic extension. Instead, you and your employer must make corrections to the employment authorization expiration dates in Section 1 and Section 2 of Employment Eligibility Verification (Form I-9) (see the subsection titled “What corrections should my current employer and I make to Employment Eligibility Verification (Form I-9) if my EAD has been automatically extended?” for further information). In addition, you may also show this Federal Register Notice to your employer to explain what to do for Employment Eligibility Verification (Form I-9).

By March 9, 2017, the expiration date of the automatic extension, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Employment Eligibility Verification (Form I-9) to reverify employment authorization, or an acceptable List A or List C receipt described in the Employment Eligibility Verification (Form I-9) Instructions. Your employer should complete either Section 3 of the Employment Eligibility Verification (Form I-9) originally completed for you or, if this Section has already been completed or if the version of Employment Eligibility Verification (Form I-9) has expired (check the date in the upper right-hand corner of the form), complete Section 3 of a new Employment Eligibility Verification (Form I-9) using the most current version. Note that employers may not specify which List A or List C document employees must present, and cannot reject an acceptable receipt.

Can my employer require that I produce any other documentation to prove my status, such as

proof of my Salvadoran citizenship?

No. When completing Employment Eligibility Verification (Form I-9), including re-verifying employment authorization, employers must accept any documentation that appears on the “Lists of Acceptable Documents” for Employment Eligibility Verification (Form I-9) that reasonably appears to be genuine and that relates to you or an acceptable List A, List B, or List C receipt. Employers may not request documentation that does not appear on the “Lists of Acceptable Documents.” Therefore, employers may not request proof of Salvadoran citizenship or proof of re-registration for TPS when completing Employment Eligibility Verification (Form I-9) for new hires or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such EADs as valid List A documents so long as the EADs reasonably appear to be genuine and to relate to the employee. Refer to the Note to Employees section of this Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

What happens after March 9, 2017, for purposes of employment authorization?

After March 9, 2017, employers may no longer accept the EADs that this Federal Register Notice automatically extended. Before that time, however, USCIS will endeavor to issue new EADs to eligible TPS re-registrants who request them. These new EADs will have an expiration date of March 9, 2018, and can be presented to your employer for completion of Employment Eligibility Verification (Form I-9). Alternatively, you may choose to present any other legally acceptable document or combination of documents listed on the Employment Eligibility Verification (Form I-9).

How do my employer and I complete Employment Eligibility Verification (Form I-9) using an automatically extended EAD for a new job?

When using an automatically extended EAD to complete Employment Eligibility Verification (Form I-9) for a new job prior to March 9, 2017, you and your employer should do the following:

1. For Section 1, you should:
 - a. Check “An alien authorized to work;”
 - b. Write your alien number (USCIS number or A-number) in the first space (your EAD or other document from DHS will have your USCIS number or A-number printed on it; the USCIS number is the same as your A-number without the A prefix); and
 - c. Write the automatically extended EAD expiration date (March 9, 2017) in the second space.
2. For Section 2, employers should record the:
 - a. Document title;
 - b. Document number; and
 - c. Automatically extended EAD expiration date (March 9, 2017).

By March 9, 2017, employers must reverify the employee’s employment authorization in Section 3 of the Employment Eligibility Verification (Form I-9).

What corrections should my current employer and I make to Employment Eligibility Verification (Form I-9) if my EAD has been automatically extended?

If you are an existing employee who presented a TPS-related EAD that was valid when you first started your job, but that EAD has now been automatically extended, your employer may need to reinspect your automatically extended EAD if your employer does not have a copy of the EAD on file, and you and your employer should correct your previously completed

Employment Eligibility Verification (Form I-9) as follows:

1. For Section 1, you should:
 - a. Draw a line through the expiration date in the second space;
 - b. Write “March 9, 2017” above the previous date;
 - c. Write “TPS Ext.” in the margin of Section 1; and
 - d. Initial and date the correction in the margin of Section 1.
2. For Section 2, employers should:
 - a. Draw a line through the expiration date written in Section 2;
 - b. Write “March 9, 2017” above the previous date;
 - c. Write “TPS Ext.” in the margin of Section 2; and
 - d. Initial and date the correction in the margin of Section 2.

By March 9, 2017, when the automatic extension of EADs expires, employers must reverify the employee’s employment authorization in Section 3.

If I am an employer enrolled in E-Verify, what do I do when I receive a “Work Authorization Documents Expiration” alert for an automatically extended EAD?

E-Verify automated the verification process for employees whose TPS status was automatically extended in a Federal Register Notice. If you have an employee who is a TPS beneficiary who provided a TPS-related EAD when he or she first started working for you, you will receive a “Work Authorization Documents Expiring” case alert when the auto-extension period for this EAD is about to expire. By March 9, 2017, you must reverify employment authorization in Section 3. Employers should not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility

verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or email USCIS at I-9Central@dhs.gov. Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process, employers may also call the U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Employer Hotline at 800-255-8155 (TTY 800-237-2515), which offers language interpretation in numerous languages, or email OSC at oscrt@usdoj.gov.

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888-897-7781 (TTY 877-875-6028) or email at I-9Central@dhs.gov. Calls are accepted in English and many other languages. Employees or applicants may also call the U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Worker Information Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based upon citizenship status, immigration status, or national origin, or for information regarding discrimination related to Employment Eligibility Verification (Form I-9) and E-Verify. The OSC Worker Information Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt

described in the Employment Eligibility Verification (Form I-9) Instructions. Employers may not require extra or additional documentation beyond what is required for Employment Eligibility Verification (Form I-9) completion. Further, employers participating in E-Verify who receive an E-Verify case result of “Tentative Nonconfirmation” (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Employment Eligibility Verification (Form I-9) differs from Federal or State government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay or take any adverse action against an employee based on the employee's decision to contest a TNC or because the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888-897-7781 (TTY 877-875-6028). An employee that believes he or she was discriminated against by an employer in the E-Verify process based on citizenship or immigration status, or based on national origin, may contact OSC’s Worker Information Hotline at 800-255-7688 (TTY 800-237-2515). Additional information about proper nondiscriminatory Employment Eligibility Verification (Form I-9) and E-Verify procedures is available on the OSC website at <http://www.justice.gov/crt/about/osc/> and the USCIS website at <http://www.dhs.gov/E-verify>.

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal Government agencies must follow the guidelines laid out by the Federal Government, State and local government agencies establish their own rules and guidelines when

granting certain benefits. Each State may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, State, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples are:

- (1) Your unexpired EAD that has been automatically extended or your EAD that has not expired;
- (2) A copy of this Federal Register Notice if your EAD is automatically extended under this Notice;
- (3) A copy of your Application for Temporary Protected Status Notice of Action (Form I-797) for this re-registration;
- (4) A copy of your past or current Application for Temporary Protected Status Notice of Action (Form I-797), if you received one from USCIS; and/or
- (5) If there is an automatic extension of work authorization, a copy of the fact sheet from the USCIS TPS website that provides information on the automatic extension.

Check with the government agency regarding which document(s) the agency will accept. You may also provide the agency with a copy of this Federal Register Notice.

Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements Program (SAVE) to verify the current immigration status of applicants for public benefits. If such an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass

appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found at the SAVE website at <http://www.uscis.gov/save>, then by choosing “For Benefit Applicants” from the menu on the left and selecting “Questions about your Records?”

[FR Doc. 2016-15802 Filed: 7/7/2016 8:45 am; Publication Date: 7/8/2016]